

**Department of Health and Human Services (DHHS)
Advisory Committee on Problem Gambling (ACPG)
Legislative Workgroup**

April 8, 2016

DRAFT MEETING MINUTES

Via Teleconference

Physical Location: DCFS, 4126 Technology Way, 3rd Floor Small Videoconference Room, Carson City

Workgroup Members Present

Tony Cabot, Chair
Ted Hartwell
Connie Jones, M.A., L.P.C.
Cheryl Moss, Judge, Eighth Judicial District, Family Division
Denise Quirk, M.A.
Debra Robinson
Carol O'Hare

Workgroup Members Absent

Jennifer Shatley

Others Present

Jeffrey Marotta, Ph.D., President and Senior Consultant, Problem Gambling Solutions, Inc.
Lea Cartwright, JK Belz and Associates
Laura Adair, DHHS

I. Call to Order, Welcome, Introductions and Announcements

Workgroup Chair Tony Cabot welcomed the callers and called the meeting to order at 10:00 a.m. A quorum was established as a majority of members were present. There were no announcements.

II. Public Comment

None.

III. Action Item: Approval of ACPG Legislative Workgroup Meeting Minutes

- Mr. Cabot entertained a motion to approve the minutes of the Feb 1, 2016 ACPG meeting. Carol O'Hare moved to approve and the motion was carried unopposed. Judge Moss abstained as she was not present at the meeting.
- Mr. Cabot entertained a motion to approve the minutes of the March 7, 2016 meeting. The decision was made to delay this motion until the next meeting, as Ms. O'Hare was not able to access the most current copy of the revised minutes.

IV. Possible Action Item: Review existing methodology for funding problem gambling programs through state support and gaming fees and make recommendations to ACPG.

Mr. Cabot reviewed **Attachment A** regarding proposed changes to NRS 463.320(2)(e).

Mr. Cabot explained that he came up with the set amount based on the prior meeting's discussion, the other workgroup's input on funding a comprehensive program, a comparison to other states' cost of living mechanism adjusted for inflation, and other statute language. Mr. Cabot stated it is better to start with a fixed number as opposed to a number based off of a tax, which fluctuates based on revenues. Judge Moss asked why the deposits are quarterly and not once or twice a year. Mr. Cabot replied that it is currently done quarterly which gives us more flexibility, and Ms. O'Hare added that the Department needs a cash flow of money coming into the account.

Dr. Marotta commented that the proposal holds funding flat once it goes into effect, which is good and bad. It's good for programs to know what their funding level is. The downside is that as programs grow they can require new revenues or adjustments in order to meet demand. Also it doesn't create as much opportunity for innovation. Mr. Hartwell asked Dr. Marotta if he had a suggested remedy to the language that could account for those situations. Dr. Marotta replied that some states have tried to increase the level that went into problem gambling services as they developed, which would take away funding levels from other addiction services. He sees a problem in the future with shifting money from prevention into treatment again. Treatment will be the largest need for funds as the system grows.

Ms. O'Hare is not as concerned about the money being held flat as with losing money every year, and noted that it is important to have a plan with an expected amount of funds not tied to a moving target. She anticipates once a dollar number is placed in statute, it could be potentially used elsewhere. If we have growth and sufficient evidence to spend more money on programs, then we can get that number increased.

Dr. Marotta suggested that the language be made more flexible to allow for changes if provisions need to be increased. Mr. Cabot reiterated that he is relying on the other subcommittee to determine the minimum number for a fully comprehensive program. He believes this number will place the burden back on the Commission to determine exactly how much for Problem Gambling and how much to the General Fund. Judge Moss would like to see discussion on this before going to the legislators to avoid any potential conflicts.

Dr. Marotta believes the Commission may want to increase a levy; however, Mr. Cabot responded that they do not have the ability to raise taxes. He stated the Board can set application fees; however, this money is coming directly from fees pursuant to statute and not related to applications.

Dr. Marotta asked if the Internet/fantasy sports industry would need to go to the legislature to create new regulations. Mr. Cabot responded that sometimes the ability to set application fees go to the Board, but the application fees pay for the cost of the investigation relevant to the application prior to licensing. Ms. O'Hare stated that their system doesn't allow for an arbitrary increase in funds. Mr. Cabot reiterated that the workgroup has crafted the language but the full ACPG can make a final recommendation and then bring to the legislators.

- **Ms. O'Hare motioned to bring recommendation to ACPG the proposed language change to NRS 463.320(e) as stated in Attachment A, with a change from "an amount equal to" to "an amount no less than....". Dr. Marotta second the motion and motion was carried unopposed.**

V. Meeting Update: Workgroup to research program, resources and funding required for a comprehensive statewide problem gambling program

This agenda item was placed on hold until the next meeting, due to the absence of member Jennifer Shatley.

VI. Possible Action Item: Review and approve recommendations for statutory changes to makeup of ACPG

Mr. Cabot recalled that at the last meeting Ms. Quirk requested more clarity in the proposal regarding the two members who work in mental health. She felt they should have special certification as problem gambling counselors. Mr. Cabot made some changes to the document for the makeup of those two members. Ms. Quirk agreed with the changes.

Ms. O'Hare suggested having only one of those two mental health professionals be a certified problem gambling counselor, considering our concern about co-occurring disorders and the desire to integrate into the broader mental health system. Ms. Quirk responded that she is open to having one person who has state or national certification in gambling treatment and the second person being mental health.

- **Ms. O'Hare made a motion to send revised draft of amendment to the full committee, seconded by Judge Moss. The motion was carried unopposed.**

VII. Possible Action Item: Review and approve recommendations for statutory changes to duties of ACPG

Ms. O'Hare reviewed **Attachment B** for discussion, duties per current statute and recommended changes regarding NRS 458.070 and 458.080. She stated that duties 1-4 of the current NRS 458.070 are being done by the Department. Duty 5 is the most relevant through the strategic planning process. In NRS 458.080 Section 1 she suggested adding the word "policy" and removing "problems". In Section 2, she suggested changing wording away from reviewing to give more attention to strategic planning. She also suggested further revisions to her draft to remove "adequate" and replace with "comprehensive" programs and services.

Mr. Cabot asked if there were any general comments and suggested they revisit this next month as a major topic for further discussion.

Judge Moss asked Ms. O'Hare to clarify if 458A.080 Section 2 was a revision or a completely new section. Ms. O'Hare said she deleting the old language to keep more in line with the group's role because they are no longer reviewing the requests; the Department is doing that.

Mr. Cabot's initial impression is that although there has been a shift in responsibilities between the committee and the Department, it should still be the role of the committee to accept the recommendation, modify, or take it back to the Department for further deliberation. For example, if there is not enough funding for a particular group, the Department can make a recommendation but ultimately it would be the committee's decision to accept it.

Ms. O'Hare would like to see additional wording included to show that the advisory committee is still engaged and not totally disconnected from the Department. Mr. Cabot said he will work with the language in this section to show the advisory capacity, in preparation for this topic to be discussed at the next meeting.

Ms. O'Hare is unsure of the committee's authority on designating one of our members formally representing the committee in some fashion. We can form our own workgroups but there's nothing in the statute about interaction with other organizations or state agencies regarding policy.

Mr. Cabot stated that if the statute says the role of the advisory committee is to offer advice to the Governor and other state agencies, that this would not be inappropriate. Ms. O'Hare suggested adding this aspect in the statute.

VIII. Public Comment

None.

IX. Action Item: Schedule Next Meeting

The next meeting was scheduled for Friday, May 13, 2016 from 10:00 a.m. to Noon.

X. Additional Announcements and adjournment

Ms. O'Hare reminded members planning to attend the problem gambling conference on May 6th to register if they have not already done so.

Mr. Cabot moved to adjourn the meeting and it was carried unopposed at 11:55 a.m.

ATTACHMENT A

Proposed change to NRS 463.320(2)(e)

The Commission shall deposit quarterly in the Revolving Account to Support Programs for the Prevention and Treatment of Problem Gambling created by NRS 458A.090 an amount * ~~equal~~ **to no less than** \$XXX , which amount shall be increased by a percentage annually equal to the increase in the Consumer Price Index for West Urban Consumers for the preceding year.

Recommendation for statutory change to make up of ACPG:

2. (c) Two regular members who work in the area of mental health or addictions * ~~and who are certified as problem gambling counselors pursuant to the provisions of chapter 641C of NRS. ,~~ **one of whom having a state or national certification in gambling treatment.**

* language changed during workgroup discussion and motion to approve.

ATTACHMENT B

For Discussion of the Role of ACPG

Legislative Workgroup Meeting – April 8, 2016

DUTIES PER CURRENT STATUTE:

NRS 458A.070 Additional duties. The Advisory Committee shall:

1. Review each request received by the Department from a state agency or other political subdivision of the State or from an organization or educational institution for a grant of money or a contract for services to provide programs for the prevention and treatment of problem gambling or to provide services related to the development of data, the assessment of needs, the performance of evaluations or technical assistance;
2. Recommend to the Director each request received pursuant to subsection 1 that the Advisory Committee believes should be awarded;
3. Establish criteria for determining which state agencies and other political subdivisions of the State and organizations and educational institutions to recommend for grants of money or contracts for services pursuant to subsection 2;
4. Monitor each grant of money awarded by the Department to provide programs for the prevention and treatment of problem gambling or to provide services related to the development of data, the assessment of needs, the performance of evaluations or technical assistance; and
5. Assist the Department in determining the needs of local communities and in establishing priorities for funding programs for the prevention and treatment of problem gambling and funding services related to the development of data, the assessment of needs, the performance of evaluations or technical assistance.

NRS 458A.080 Appointment of groups to consider specific problems and review requests for grants or contracts.

The Chair of the Advisory Committee may appoint groups consisting of members of the Advisory Committee, former members of the Advisory Committee and members of the public who have appropriate experience or knowledge to:

1. Consider specific problems or other matters that are related to and within the scope of activities of the Advisory Committee; and
2. Review requests for grants of money or contracts for services related to specific programs for the prevention and treatment of problem gambling or services related to the development of data, the assessment of needs, the performance of evaluations or technical assistance.

BACKGROUND & RATIONALE FOR CHANGES:

When the ACPG was created in 2005 most of the duties as defined in the statute and subsequent bylaws, were directly related to developing, reviewing, recommending and monitoring the grant award system within DHHS for the Problem Gambling Fund. Today, the majority of these functions are now carried out by DHHS staff and consultants, allowing the ACPG to take on a new role focused more on advancing the system, rather than implementing and monitoring it. This would require the ACPG to be more engaged in external policy discussions and workgroups that can impact the broader efforts of the state in addressing problem gambling issues.

RECOMMENDED CHANGES:

NRS 458A.070 Additional duties. The Advisory Committee shall:

1. Advise the Department on current issues and trends in the field of problem gambling to assist in establishing priorities and criteria for funding programs and services for the prevention and treatment of problem gambling or to provide services related to the development of data, the assessment of needs, the performance of evaluations or technical assistance;
2. Review outcome and evaluation reports compiled by the Department, for each funded program and service for the prevention and treatment of problem gambling, and funded services related to the development of data, the assessment of needs, the performance of evaluations or technical assistance.

NRS 458A.080 Appointment of groups to consider specific issues and other matters related to problem gambling.

The Chair of the Advisory Committee may appoint groups consisting of members of the Advisory Committee, former members of the Advisory Committee and members of the public who have appropriate experience or knowledge to:

1. Consider specific issues and policy matters related to prevalence, impact, and prevention and treatment of problem gambling, within the scope of the duties of the Advisory Committee; and
2. Assist in research, development, and recommendation of strategic plans to advance the funding and delivery of adequate programs and services for the prevention and treatment of problem gambling.